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NETFLIX, INC.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 NETFLIX, INC., a Delaware corporation,
11 Plaintiff,
12 v.
13 BLOCKBUSTER, INC., a Delaware
14 corporation, DOES 1-50,
15 Defendant.

Case No. C 06 2361 BZ

**DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE AND
REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE**

17 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

18 The undersigned party hereby declines to consent to the assignment of this case to a
19 United States Magistrate Judge for trial and disposition and hereby requests the reassignment of
20 this case to a United States District Judge.

22 Dated: April 28, 2006

KEKER & VAN NEST, LLP

24 By: /s/ Daralyn J. Durie
JEFFREY R. CHANIN
25 DARALYN J. DURIE
Attorneys for Plaintiff
26 NETFLIX, INC.

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On April 28, 2006, I served the following document(s):

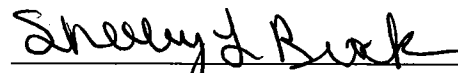
**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND
REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT
JUDGE**

☒ by regular UNITED STATES MAIL by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Keker & Van Nest, LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

Marshall B. Grossman, Esq.
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1620 26th Street, 4th Floor, North Tower
Santa Monica, CA 90404-4060

Executed on April 28, 2006, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


SHELBY L. BROCK

PROOF OF SERVICE

NETFLIX V. BLOCKBUSTER, USDC CASE NO. C 06 2361 BZ